

## REMARKS

### Summary of the Office Action

Claims 1-32, 36-73, and 77-158 are pending in this application.

Claims 28, 69, 120, and 158 have been allowed.

The rejection under 35 U.S.C. § 112 has been withdrawn.

The drawings have been objected to for containing certain drawing informalities.

Claims 1-4, 6, 8-12, 14-18, 20-22, 30-32, 36, 39-45, 47, 49-53, 55-59, 61-63, 71-73, 77, 80-86, 88, 90-94, 96-100, 102-104, 111-114, 117-119, 121-124, 126, 128-132, 134-138, 140-142, 149-152, and 155-157 were rejected under 35 U.S.C. § 102(b) as being anticipated by Brenner et al. U.S. Patent 5,830,068 (hereinafter "Brenner").

Claims 5, 7, 29, 46, 48, 70, 87, 89, 110, 125, and 148 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Walker et al. U.S. Patent No. 6,001,016 (hereinafter Walker).

Claims 13, 37, 38, 54, 78, 79, 95, 115, 116, 133, 153, and 154 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner.

Claims 19, 23-27, 60, 64-68, 101, 105-109, 139 and 143-147 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Hirsimaki U.S. Patent No. 4,001,551 (hereinafter Hirsimaki).

### Proposed Amendment to the Drawings

Applicants propose amending FIG. 1 to insert a box labeled "WAGERING POOLS 31" inside TOTALISATOR box 30. No new matter would be added by the proposed amendment. The proposed amendment to FIG. 1 is indicated in red on the attached annotated copy of FIG. 1.

Accordingly, applicants respectfully request approval of the amendment to FIG. 1.

### Amendment to the Specification

The specification has been amended to reference wagering pools 31 in amended FIG. 1. No new matter has been added by the amendment to the specification.

### Reply to the Drawing Objection

The drawings have been objected to for not reflecting the claim language. The Examiner states that the drawings refer to "totes" even though the claims refer to "wagering pools." The Examiner requires appropriate correction.

Applicants have amended FIG. 1 to show that wagering pools 31 are handled by totalisators 30.

Accordingly, the objection to the drawings should be withdrawn.

### Summary of Telephonic Interview

The Examiner and the undersigned conducted a telephonic interview on September 23, 2003. The undersigned wishes to thank the Examiner for the courtesies extended during the interview.

Details of the interview will appear in the discussion below where appropriate. Generally, the Examiner and the undersigned discussed independent claim 1, considered as a whole, and its patentability over Brenner. The undersigned explained his position that claim 1, considered as a whole, is patentable over Brenner. The undersigned believes that the Examiner agreed with this position. The Examiner, however, stated that the undersigned should restate his position in writing.

### Reply to the Claim Rejection Under 35 U.S.C. § 102

Claims 1-4, 6, 8-12, 14-18, 20-22, 30-32, 36, 39-45, 47, 49-53, 55-59, 61-63, 71-73, 77, 80-86, 88, 90-94, 96-100, 102-104, 111-114, 117-119, 121-124, 126, 128-132, 134-138, 140-142, 149-152, and 155-157 were rejected under 35 U.S.C. § 102(b) as being anticipated by Brenner. The Examiner's rejections are respectfully traversed.

During the interview, the undersigned discussed each claimed feature of claim 1. Claim 1 recites using the interactive wagering application to provide the user

with an opportunity to create a wager of a particular wager type for a particular race. This wager is illustratively shown in Diagram 1, below, as a wager of a particular wager type (shown as TYPE A) for a particular race (shown as RACE #1). Claim 1 further recites providing access to multiple wagering pools that are independent of each other, wherein each wagering pool is capable of accepting the wager of the particular wager type for the particular race. The undersigned stressed in the interview that because the antecedent basis for the particular wager type and the particular race was defined in connection with the created wager, the multiple independent pools accept wagers of the same particular wager type and for the same particular race as that of the created wager. This is illustrated in Diagram 1, which shows multiple independent wagering pools, some of which can accept wagers of TYPE A and RACE #1. Claim 1 further recites using the interactive wagering application to place the created wager in one of the pools. Thus, in order for a pool to be able to accept the created wager, the pool must accept wagers of the same particular wager type and for the same particular race as that of the created wager. As shown in Diagram 1, the created wager can be placed in one of Pools 1 and 2, but not Pools 3 and 4.

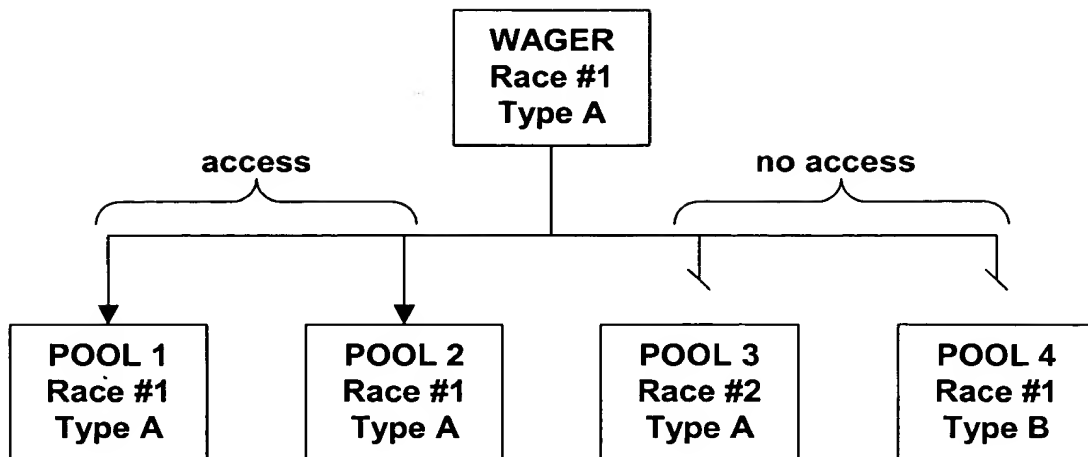


DIAGRAM 1

The Examiner relies on Brenner to contend that when the user places a wager for a particular horse to win, place, or show in a particular race, this provides access to multiple independent wagering pools wherein each wagering pool is capable of accepting the wager of the particular wager type for the particular race (Office Action, page 3, lines 2-6). However, the undersigned believes that during the telephonic interview, the Examiner agreed that merely being able to create a wager of a particular wager type for a particular race is not the same as providing access to multiple independent wagering pools that accept wagers of the same type and for the same race as the created wager.

The Examiner also relies on Brenner to contend that the interactive wagering application is used to place a wager with one of the multiple wagering pools (Office Action, page 3, lines 7-9). However, the

undersigned believes that during the telephonic interview, the Examiner agreed that applicants' feature of placing the created wager with one of the multiple wagering pools that accepts the created wager of the particular wager type for the particular race is a specific improvement over Brenner.

Accordingly, for at least the reason that creating a wager is different than providing access to multiple independent wagering pools and that Brenner does not show the specific improvement of placing a created wager of a particular wager type for a particular race in one of multiple independent wagering pools that accepts the wager of the particular wager type for the particular race of the created wager, claims 1, 42, 83, and 121 are allowable. Dependent claims 2-4, 6, 8-12, 14-18, 20-22, 30-32, 36, 39-41, 43-45, 47, 49-53, 55-59, 61-63, 71-73, 77, 80-82, 84-86, 88, 90-94, 96-100, 102-104, 111-114, 117-119, 123-124, 126, 128-132, 134-138, 140-142, 149-152, and 155-157 are also allowable at least because they depend from claims 1, 42, 83, and 121.

Reply to the Claim Rejections under 37 C.F.R. § 103(a)

Claims 5, 7, 29, 46, 48, 70, 87, 89, 110, 125, and 148 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Walker.

Claims 13, 37, 38, 54, 78, 79, 95, 115, 116, 133, 153, and 154 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner.

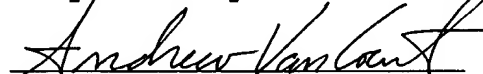
Claims 19, 23-27, 60, 64-68, 101, 105-109, 139 and 143-147 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Hirsimaki.

Because applicants have demonstrated in the previous section that claims 1, 42, 83, and 121 are allowable, dependent claims 5, 7, 13, 19, 23-27, 29, 37, 38, 46, 48, 54, 60, 64-68, 70, 78, 79, 87, 89, 95, 101, 105-110, 115, 116, 125, 133, 139, 143-148, 153, and 154 are also allowable.

#### Conclusion

The foregoing demonstrates that claims 1-32, 36-73, and 77-158 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,



Andrew Van Court  
Registration No. 48,506  
Agent for Applicants  
FISH & NEAVE  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020  
Tel.: (212) 596-9000